

Notice of Allowability

Application No.

10/728,635

Applicant(s)

ATTAR ET AL.

Examiner

Nghy H. Ly

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/30/06.
2. ☒ The allowed claim(s) is/are 1-4.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

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The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

DETAILED ACTION

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:

Regarding claim 1, Rohani (US 5,999,522) teaches an apparatus for directing communication between a remote station and a plurality of sectors in a data communication system (see fig.2), the remote station including a list of eligible sectors (see column 2, lines 56-61), the apparatus comprising: means for determining at the remote station a quality metric of a forward link for each sector in the remote station's list (see column 3, lines 1-22), means for determining a quality metric of a reverse link to each sector in the remote station's list (see Abstract), said means for determining the quality metric of the reverse link to each sector in the remote station's list comprising means for processing at the remote station the forward link from each sector in the remote station's list (see column 3, lines 1-22), means for determining the quality metric in accordance with said ascertained first signal value for the at least one sector in the remote station's list (see column 2, lines 40-67).

Rohani (US 5,999,522) fails to teach the means for processing at the remote station the forward link from each sector in the remote station's list comprising: means for ascertaining a first signal value at a position in a first channel of the forward link for at least one sector in the remote station's list, means for ascertaining a second signal value at a position in a second channel of the forward link for remaining sectors in the

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remote station's list, and means for determining a second quality metric in accordance with said ascertained second signal value for the remaining sectors in the remote station's list, and means for directing communication between the remote station and one sector from the sectors in the remote station's list in accordance with said determined quality metric of a forward link and said determined quality metric of a reverse link, said means for directing communication between the remote station and one sector from the sectors in the remote station's list comprising: means for assigning credits to each sector in the remote station's list except the sector currently serving the remote station in accordance with said determined quality metric of a forward link, said determined quality metric of the reverse link, and said determined second quality metric of the reverse link, means for directing communication between the remote station and one sector from the sectors in the remote station's list in accordance with said assigned credits, means for decreasing credits of a sector if said determined second quality metric of the reverse link for the sector and said determined second quality metric of the reverse link for a sector currently serving the remote station are greater than a second threshold, and means for decreasing a first type of credits of a sector if said determined quality metric of the reverse link for the sector is insufficient, or if said quality metric of a forward link of the sector is less than the quality metric of the forward link of the sector currently serving the remote station, and said first quality metric of the reverse link for a sector was not determined.

Dependent claims 2-4 are allowable for the same reason.

2. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi H. Ly whose telephone number is (571) 272-7911. The examiner can normally be reached on 8:30 am-5:30 pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

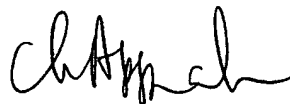
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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nghi H. Ly



CHARLES APPIAH
PRIMARY EXAMINER